

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ALONZO AUSTIN, etc.,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 3:07-cv-00138-MHT-WC
)	
MODERN WOODMAN OF)	
AMERICA, et al.,)	
)	
Defendant.)	

MOTION TO DISMISS DEFENDANT
DESIGNATED AS “MACON COUNTY SHERIFF DEPT.”

The defendant designated in the complaint as the “Macon County Sheriff Dept.” moves the Court to dismiss it as a defendant from this action on the following grounds:

1. The complaint fails to state a claim against said defendant upon which relief may be granted.
2. Said defendant does not constitute a legally sueable entity.
3. The complaint affirmatively shows on its face that the plaintiff’s federal and state law claims alleged in the complaint are barred by the expiration of the applicable statute of limitations.

s/ George W. Royer, Jr.

George W. Royer, Jr.

LANIER FORD SHAVER & PAYNE, P.C.

P. O. Box 2087

Huntsville, AL 35804

Telephone: 256-535-1100

Attorneys for defendant designated as “Macon County Sheriff Dept.”

CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing upon the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Joe Espy, III
Melton, Espy & Williams, P.C.
P. O. Drawer 5130
Montgomery, Alabama 36103

I hereby certify that I have served a copy of the foregoing by depositing a copy of the same in the United States mail, postage prepaid and properly addressed to his attorney of record to:

Alonzo Austin
1321 Oliver-Carlis Rd.
Tuskegee, Alabama 36083

City of Tuskegee Police Department
101 Fonville Street
Tuskegee, Alabama 36083

Modern Woodman of America
1701 1st Avenue
Rock Island, IL 16120

Montgomery City Police Department
320 N. Ripley Street
P. O. Box 159
Montgomery, Alabama 36101-0159

Howard F. Bryan
101 East Northside Street
Tuskegee, Alabama 36083

Robert Story
802 Crawford Street
Tuskegee, Alabama 36083

Deborah Hill Biggers
Tuskegee Institute
P. O. Box 1183
Tuskegee, Alabama 36087

Alabama State Treasurer's Office
P. O. Box 302520
Montgomery, Alabama 36130-2520

Mason Manor
4120 Carmichael Road
Montgomery, Alabama 36106

Alabama State Board of Licensure
P. O. Box 887
Montgomery, Alabama 36101

Alabama Exchange Bank President
102 West Northside Street
Tuskegee, Alabama 36083

Juanita K. Upshaw
P. O. Box 830265
Tuskegee, Alabama 36083

Robert Davis
102 West Northside Street
Tuskegee, Alabama 36083

George Clay
1205 Main Street
Tuskegee, Alabama 36083

SouthTrust Bank
307 N. Gay Street
Auburn, AL 36830-3915

Aetna Insurance Co.
Tampa Business Center
P. O. Box 30257
Tampa, Florida 33620-3257

Regions Bank
8 Commerce Street
Montgomery, Alabama 36104

on this the 12th day of March, 2007.

s/ George W. Royer, Jr.
George W. Royer, Jr.